

DOC #39

PROB 22 (Rev. 2/84)		DS S.D. OF N.Y.		DOCKET NUMBER (Trans. Court) 13 CR 12-01 (PKC)	
TRANSFER OF JURISDICTION				DOCKET NUMBER (Res. Court) 4:16-cr-50077-RCC-DTE	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: Michael Hogue		DISTRICT SOUTHERN DISTRICT OF NEW YORK			
FILED RECEIVED		LODGED COPY		CLERK OF SENTENCING JUDGE P. Kevin Castel	
APR 16 2016		DATE OF PROBATION/SUPERVISED RELEASE		FROM 01/29/2016	TO 01/28/2021
OFFENSE		CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA		FILED RECEIVED	
BY Ct. 1: Conspiracy to Commit Computer Hacking, 18 U.S.C. 1030(b), a Class C Felony. Ct. 2: Using Malware to Infect Computers and Selling that Malware, 18 U.S.C. 1030(a)(5)(A), 1030(c)(4)(B)(i) & (c)(4)(A)(i)(VI) & 2, a Class C Felony		DEPUTY		APR 22 2016	
PART 1 - ORDER TRANSFERRING JURISDICTION				LODGED COPY	
		CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA		DEPUTY	
UNITED STATES DISTRICT COURT FOR THE "SOUTHERN DISTRICT OF NEW YORK"					
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer supervised releasee named above be transferred with the records of the Court to the United States District Court for the District of Arizona upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*					
4-6-16		[Signature]		CERTIFIED AS A TRUE COPY	
Date		United States District Judge		THIS DATE 4/15/2016	
*This sentence may be deleted in the discretion of the transferring Court.					
PART 2 - ORDER ACCEPTING JURISDICTION					
UNITED STATES DISTRICT COURT FOR THE "DISTRICT OF ARIZONA"					
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.					
4-16-16		[Signature]		BY [Signature] Deputy	
Effective Date		United States District Judge			

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

MICHAEL HOGUE

JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 13 CR 00012-01 (PKC)

USM Number: 72182-308

Lawrence Ruggiero, Esq. (Daniel Noble, AUSA)

Defendant's Attorney

THE DEFENDANT:

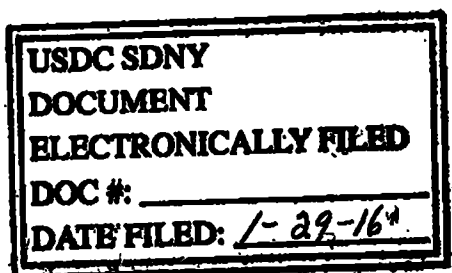
☒ pleaded guilty to count(s) 1 and 2.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 1030(b)	Conspiracy to Commit Computer Hacking	6/30/2012	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.



1/29/2016

Date of Imposition of Judgment

Signature of Judge

P. Kevin Castel, U.S.D.J.

Name and Title of Judge

1-29-16

Date

CERTIFIED AS A TRUE COPY ON

THIS DATE

4/15/2016

BY

() Clerk
A) Deputy

AO 245B (Rev. 10/15) Judgment in a Criminal Case
Sheet 1AJudgment Page 2 of 1

DEFENDANT: MICHAEL HOGUE

CASE NUMBER: 1: 13 CR 00012-01 (PKC)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC 1030(a)(5)(A),	Using Malware to Infect Computers and Selling		
1030(c)(4)(B)(i) &	that Malware		
(c)(4)(A)(i)(VI) & 2		6/30/2016	2

AO 245B (Rev. 10/15) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 3 of 7

DEFENDANT: MICHAEL HOGUE
CASE NUMBER: 1: 13 CR 00012-01 (PKC)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MICHAEL HOGUE
CASE NUMBER: 1: 13 CR 00012-01 (PKC)

PROBATION

The defendant is hereby sentenced to probation for a term of:

5 years of probation, including 500 hours of community service to be completed within 24 months

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MICHAEL HOGUE
CASE NUMBER: 1: 13 CR 00012-01 (PKC)

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall submit his person, residence, place of business, vehicle, and any property or electronic devices under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found. The search must be conducted at a reasonable time and in reasonable belief that contraband or evidence of a violation of the conditions of release may be found. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.

The defendant shall perform 500 hours of community service as directed by the probation officer over a period of 24 months.

The defendant is to report to the Probation Office within 72 hours.

The defendant shall be supervised by the district of his residence.

Judgment — Page 6 of 7

CRIMINAL MONETARY PENALTIES

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MICHAEL HOGUE
CASE NUMBER: 1: 13 CR 00012-01 (PKC)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
Forfeiture Order in the amount of \$40,000.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CASTEL

13 CRIM 012

UNITED STATES OF AMERICA

INFORMATION

- v. -

MICHAEL HOGUE,
a/k/a "xVisceral,"

Defendant.

13 Cr.
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JAN 09 2013

COUNT ONE

(Conspiracy to Commit Computer Hacking)

The United States Attorney charges:

1. From at least in or about 2009, up to and including in or about June 2012, in the Southern District of New York and elsewhere, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to engage in computer hacking, in violation of Title 18, United States Code, Section 1030(a)(5)(A).

2. It was a part and an object of the conspiracy that MICHAEL HOGUE, a/k/a "xVisceral," the defendant, and others known and unknown, knowingly would and did cause the transmission of a program, information, code and command, and, as a result of such conduct, would and did intentionally cause damage without authorization, to a protected computer, which would and did cause damage affecting 10 and more protected computers during a one-year period, in violation of Title 18,

CERTIFIED AS A TRUE COPY ON

THIS DATE

4/15/2016

BY

() Clerk
(x) Deputy

United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), to wit, HOGUE used malware to infect computers and sold that malware to others, enabling them to infect and remotely control victims' computers.

(Title 18, United States Code, Section 1030(b).)

COUNT TWO
(Distribution of Malware)

The United States Attorney further charges:

3. From at least in or about 2009, up to and including in or about June 2012, in the Southern District of New York and elsewhere, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, and thereby caused damage affecting 10 and more protected computers during a one-year period, to wit, HOGUE used malware to infect computers and sold that malware to others, enabling them to infect and remotely control victims' computers.

(Title 18, United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), and 2.)

FORFEITURE ALLEGATION

4. As a result of committing one or more of the offenses alleged in Counts One and Two of this Information, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any

property constituting, or derived from, proceeds obtained directly or indirectly as a result of one or more of the offenses, including but not limited to a sum of money equal to \$40,000 representing the amount of proceeds obtained as a result of one or more of the said offenses.

SUBSTITUTE ASSETS PROVISION

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982(a)(2)(A), 982(a)(2)(B), and Title 21, United States Code, Section 853(p).)



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL HOGUE
a/k/a "xVisceral,"

Defendant.

INFORMATION

13 Cr. (PKC)

(18 U.S.C. § 1030(a)(5)(A), 1030(b),
1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI) and
2.)

PREET BHARARA
United States Attorney.

Filed January 9, 2013

J. Costel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CASTEL

UNITED STATES OF AMERICA :

v. :

MICHAEL HOGUE,
a/k/a "xVisceral," :

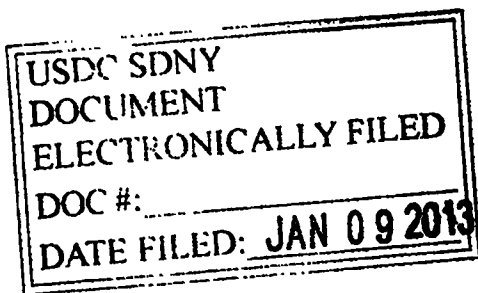
Defendant. :

13 CRIM 012


13 Cr.____ (PKC)

-----X

The above-named defendant, who is accused of violating Title 18, United States Code, Sections 1030(a)(5)(A), 1030(b), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI) and 2, being advised of the nature of the charge and of his rights, hereby waives, in open Court, prosecution by indictment and consents that the proceeding may be by information instead of by indictment.




Defendant


Witness


Counsel for Defendant

Date: New York, New York
January 9, 2013

0202

CERTIFIED AS A TRUE COPY ON

THIS DATE 4/15/2016

BY 

() Clerk
☒ Deputy

CLOSED,ECF,WHEEL-A

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00012-PKC All Defendants
Internal Use Only

Case title: USA v. Hogue
Magistrate judge case number: 1:12-mj-01632-UA

Date Filed: 01/09/2013
Date Terminated: 01/29/2016

Assigned to: Judge P. Kevin Castel

Defendant (1)

Michael Hogue
TERMINATED: 01/29/2016
also known as
Sealed Defendant 1
TERMINATED: 01/29/2016
also known as
xVisceral
TERMINATED: 01/29/2016

represented by **Lawrence Francis Ruggiero**
Lawrence F. Ruggiero, ESQ.
167 East 61st. Street, Suite 17E
New York, NY 10021
212 406 2910
Fax: 212 759 4463
Email: lawruggiero@mindspring.com
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1030B.F COMPUTER FRAUD
(CONSPIRACY TO COMMIT COMPUTER
HACKING)
(1)

18:1030A.F FRAUD ACTIVITY CONNECTED
WITH COMPUTERS (COMPUTER HACKING)
(2)

Disposition

Probation: 5 years of probation, including 500
hours of community service to be completed
within 24 months.

Probation: 5 years of probation, including 500
hours of community service to be completed
within 24 months.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18:1030:CONSPIRACY TO COMMIT
COMPUTER HACKING.

Disposition

Disposition

CERTIFIED AS A TRUE COPY ON

THIS DATE 4/15/2016

BY

() Clerk
(x) Deputy



Plaintiff

USA



represented by **Daniel Scott Noble**
United States Attorney's Office, SDNY
One Saint Andrew's Plaza
New York, NY 10007
(212)-637-2239
Fax: (212)-637-2527

Email: daniel.noble@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED



James J. Pastore , Jr
 U.S. Attorney's Office, SDNY (St Andw's)
 One St. Andrew's Plaza
 New York, NY 10007
 (212) 637-2418
 Fax: (212) 637-2937
 Email: jjpastor@debevoise.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/18/2012	0	Oral Order to Seal Case as to Sealed Defendant 1. (Signed by Magistrate Judge Andrew J. Peck on 6/18/2012)(gq). [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/18/2012	1	SEALED COMPLAINT as to Sealed Defendant 1 (1) in violation of 18 U.S.C. 1030 and 2. (Signed by Magistrate Judge Andrew J. Peck) (gq) [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/18/2012		Attorney update in case as to Sealed Defendant 1. Attorney James J. Pastore, Jr for USA added. (gq) [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/18/2012	 2	Arrest Warrant Issued as to Michael Hogue. (Signed by Judge Magistrate Judge Andrew J. Peck on 6/18/2012.) (gq) [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/25/2012		AFFIRMATION AND APPLICATION of AUSA Rosemary Nidiry in Support by USA for an Order unsealing the Complaints referenced herein, and the corresponding Arrest Warrants to be effective on 6/26/12, at 6:00 a.m (EDT), as to Michael Hogue: 12 Mag. 1565, 1566, 1602, 1605, 1632, 1638, 1639, 1640, 1641, 1651, 1653, 1656, 1662, 1667, and 1669. (gq). (Original filed in 12 Mag. 1565). [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/25/2012		Order to Unseal Case as to Michael Hogue... that, the Complaints and Arrest Warrants are hereby ordered to be unsealed at 6:00 a.m. (EDT) on Tuesday, June 26th, 2012. 12 Mag. 1565, 1566, 1602, 1605, 1632, 1638, 1639, 1640, 1641, 1651, 1653, 1656, 1662, 1667, and 1669. (Signed by Magistrate Judge James C. Francis on 6/25/2012). (Original filed in 12 Mag. 1565).(gq) [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/25/2012		(Court only) ***Case unsealed as to Michael Hogue. (gq) [1:12-mj-01632-UA] (Entered: 06/27/2012)
06/26/2012		Arrest of Michael Hogue in the United States District Court - District of Arizona, Tucson. (gq) [1:12-mj-01632-UA] (Entered: 07/24/2012)
07/10/2012		Arrest of Michael Hogue. (dif) [1:12-mj-01632-UA] (Entered: 07/10/2012)
07/10/2012		Attorney update in case as to Michael Hogue. Attorney Lawrence Francis Ruggiero for Michael Hogue added.. (dif) [1:12-mj-01632-UA] (Entered: 07/10/2012)
07/10/2012	3	CJA 23 Financial Affidavit by Michael Hogue. (Signed by Judge Magistrate Judge James L. Cott) (dif) [1:12-mj-01632-UA] (Entered: 07/10/2012)
07/10/2012		Minute Entry for proceedings held before Magistrate Judge James L. Cott:Initial Appearance as to Michael Hogue held on 7/10/2012., with CJA Attorney Lawrence Ruggiero and AUSA James Pastore for the government. AGREED CONDITIONS OF RELEASE: \$20,000 PRB; ONE FRP; Travel Limited to SDNY/EDNY; D. Arizona; D. DC; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; Computer Use is Limited for School Purposes; Deft to be Released on Own Signature; Remaining Conditions to be Met by 7/13/12; (Preliminary Hearing set for 8/9/2012 at 10:00 AM before Judge Unassigned.) (dif) [1:12-mj-01632-UA] (Entered: 07/10/2012)
07/10/2012	4	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Michael Hogue. Bond Information: Recognizance Bond in the amount of \$ 20,000 PRB, ONE FRP; Travel Limited to SDNY/EDNY; D. Arizona; D. DC; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; Computer Use is Limited for School Purposes; Deft to be Released on

		Own Signature; Remaining Conditions to be Met by 7/13/12 (dif) [1:12-mj-01632-UA] (Entered: 07/10/2012)
07/10/2012	6	CJA 20 as to Michael Hogue: Appointment of Attorney Lawrence F. Ruggiero for Michael Hogue. (Signed by Magistrate Judge James L. Cott on 7/18/12)CJA Office has mailed the original and sent a copy to the file. (sac) [1:12-mj-01632-UA] (Entered: 07/19/2012)
07/16/2012	5	SEALED DOCUMENT placed in vault. (gq) [1:12-mj-01632-UA] (Entered: 07/16/2012)
07/24/2012	7	Rule 5(c)(3) Documents Received as to Michael Hogue from the United States District Court - District of Arizona, Tucson. (gq) [1:12-mj-01632-UA] (Entered: 07/24/2012)
08/09/2012	8	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue. Time excluded from 8/9/12 until 9/10/12. (Signed by Magistrate Judge Michael H. Dolinger on 8/9/12)(vb) [1:12-mj-01632-UA] (Entered: 08/09/2012)
08/15/2012	9	ENDORSED LETTER as to Michael Hogue addressed to Judge Peck from Lawrence Ruggiero dated 8/15/12 re: Granting the application on consent for Mr Hogues bail conditions to be modified to use Janice Mohning's computers. (Signed by Magistrate Judge Andrew J. Peck on 8/15/12)(vb) [1:12-mj-01632-UA] (Entered: 08/17/2012)
09/10/2012	10	AFFIRMATION of Serrin Turner in Support by USA as to Michael Hogue, the government is requesting a 30-day continuance until until 10/10/12. (jbo) [1:12-mj-01632-UA] (Entered: 09/10/2012)
09/10/2012		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue re: 8 Order to Continue - Interest of Justice. Time excluded from 9/10/12 until 10/10/12. Follows oral order of 9/10/12. PD. (Signed by Magistrate Judge Debra C. Freeman on 9/10/12)(jbo) [1:12-mj-01632-UA] (Entered: 09/10/2012)
10/10/2012		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue re: 8 Order to Continue - Interest of Justice. Time excluded from 10/10/12 until 11/9/12. Follows oral order of 10/10/12. (Signed by Magistrate Judge Ronald L. Ellis on 10/10/12)(vb) [1:12-mj-01632-UA] (Entered: 10/17/2012)
10/10/2012	11	APPLICATION of Serrin Turner by USA as to Michael Hogue in Support of an extension of re: 8 Order to Continue - Interest of Justice. (vb) [1:12-mj-01632-UA] (Entered: 10/17/2012)
11/14/2012	12	AFFIRMATION of AUSA James Pastore in Support by USA as to Michael Hogue, the government is requesting a 30-Day continuance until December 19, 2012 (dif) [1:12-mj-01632-UA] (Entered: 11/20/2012)
11/19/2012		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue. Time excluded from 11/19/2012 until 12/19/2012. Follows oral order of 11/19/2012.. PD (Hurricane Sandy) (Signed by Magistrate Judge Debra C. Freeman on 11/19/2012)(dif) [1:12-mj-01632-UA] (Entered: 11/20/2012)
12/19/2012	13	AFFIRMATION of James Pastore in Support by USA as to Michael Hogue, the government is requesting a continuance until 12/31/12. (jbo) [1:12-mj-01632-UA] (Entered: 12/26/2012)
12/19/2012		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue re: 8 Order to Continue - Interest of Justice. Time excluded from 12/19/12 until 12/31/12. Follows oral order of 12/19/12. (Signed by Magistrate Judge Sarah Netburn on 12/19/12)(jbo) [1:12-mj-01632-UA] (Entered: 12/26/2012)
12/19/2012	15	NOTICE OF INTENT TO FILE an Information by U.S.A. as to Michael Hogue. (jbo) (Entered: 01/10/2013)
01/02/2013	14	AFFIRMATION of James Pastore in Support by USA as to Michael Hogue, the government is requesting a continuance until 1/14/13. (jbo) [1:12-mj-01632-UA] (Entered: 01/03/2013)
01/02/2013		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Michael Hogue re: 8 Order to Continue - Interest of Justice. Time excluded from 1/2/13 until 1/14/13. Follows oral order of 1/2/13. PD. (Signed by Magistrate Judge Michael H. Dolinger on 1/2/13)(jbo) [1:12-mj-01632-UA] (Entered: 01/03/2013)
01/09/2013		Case Designated ECF as to Michael Hogue. (jbo) (Entered: 01/10/2013)

01/09/2013		(Court only) CRIMINAL CASE WHEEL FLAG DESIGNATION as to Michael Hogue. Wheel Flag WHEEL-A set. (jbo) (Entered: 01/10/2013)
01/09/2013	<u>16</u>	WAIVER OF INDICTMENT by Michael Hogue. (jbo) (Entered: 01/10/2013)
01/09/2013	<u>17</u>	INFORMATION (Felony) filed as to Michael Hogue (1) count(s) 1, 2. (jbo) (Entered: 01/10/2013)
01/09/2013		Minute Entry for proceedings held before Judge P. Kevin Castel: Arraignment as to Michael Hogue (1) Count 1,2 held on 1/9/2013. Defendant is present with his attorney Mr. Ruggiero. AUSA James Pastore, present. FBI Special Agent - Patrick Hoffman present. Defendant waives indictment. Defendant provisionally pleads not guilty. Not guilty plea is changed to a guilty plea to Counts 1 and 2 of the Information. Defendant admits forfeiture allegations in paragraphs 4 and 5 of the Information. Sentencing is scheduled for September 6, 2013 at 9:30 a.m. Defendant bail conditions continue. (jbo) (Entered: 01/10/2013)
01/09/2013		Minute Entry for proceedings held before Judge P. Kevin Castel: Plea entered by Michael Hogue (1) Guilty as to Count 1,2. (jbo) (Entered: 01/10/2013)
01/09/2013		Minute Entry for proceedings held before Judge P. Kevin Castel: As to Michael Hogue, Sentencing set for 9/6/2013 at 09:30 AM before Judge P. Kevin Castel. (jbo) (Entered: 01/10/2013)
02/25/2013	<u>18</u>	SEALED DOCUMENT placed in vault. (nm) (Entered: 02/25/2013)
03/06/2013	<u>19</u>	ENDORSED LETTER as to Michael Hogue addressed to Judge P. Kevin Castel from Attorney Lawrence F. Ruggiero dated March 4, 2013 re: submitted to request a temporary modification of Mr. Hogue's bail travel restrictions. Mr. Hogue is attending the University of Arizona and will be on Spring break from March 9th to March 17th. He requests permission to take a Spring-break vacation trip with a friend on March 14th, which would involve his driving from his home in Tucson to San Diego, then to Coronado and Mission Bay in the San Diego area, and his returning to Tucson on March 17th. ENDORSEMENT: Bail modified to allow a one time trip as outlined in the March 4, 2013 letter of his counsel between March 9 and March 17 subject to reasonable restrictions by pretrial services. So Ordered. (Signed by Judge P. Kevin Castel on 3/6/2013)(bw) (Entered: 03/06/2013)
10/14/2013	<u>20</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION to Travel. Document filed by Michael Hogue. (Ruggiero, Lawrence) Modified on 10/15/2013 (ka). (Entered: 10/14/2013)
10/14/2013		(Court only) ***Motions terminated as to Michael Hogue: <u>20</u> MOTION to Travel filed by Michael Hogue. (ka) (Entered: 10/15/2013)
10/15/2013		NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Lawrence Francis Ruggiero as to Michael Hogue: to RE-FILE Document <u>20</u> MOTION to Travel. Use the document type Letter Motion found under the document list Motions. (ka) (Entered: 10/15/2013)
10/16/2013	<u>21</u>	LETTER MOTION addressed to Judge P. Kevin Castel from Lawrence F. Ruggiero dated 10/16/2013 re: temporary modification of bail travel restrictions. Document filed by Michael Hogue. (Ruggiero, Lawrence) (Entered: 10/16/2013)
10/17/2013	<u>22</u>	MEMO ENDORSED granting <u>21</u> LETTER MOTION Requests this Court's permission to fly to Madison, Wisconsin on October 21 to be interviewed on October 22nd by Epic, and would return to his home in Tucson on October 23 as to Michael Hogue (1)...ENDORSEMENT...Application granted. SO ORDERED (Signed by Judge P. Kevin Castel on 10/17/2013) (jw) (Entered: 10/17/2013)
01/17/2014	<u>23</u>	LETTER MOTION addressed to Judge P. Kevin Castel from Lawrence Ruggiero dated 01/17/2014 re: temporary modification of bail travel restrictions. Document filed by Michael Hogue. (Ruggiero, Lawrence) (Entered: 01/17/2014)
01/17/2014	<u>24</u>	ORDER granting <u>23</u> LETTER MOTION for temporary modification of bail travel restrictions as to Michael Hogue (1). Application Granted. SO ORDERED. (Signed by Judge P. Kevin Castel on 1/17/2014) (dnd) (Entered: 01/17/2014)
01/22/2014	<u>25</u>	ENDORSED LETTER as to Michael Hogue addressed to Judge P. Kevin Castel from Attorney Lawrence Ruggiero dated January 17, 2014 re: Mr. Michael Hogue requests permission to fly from his home in Tucson, Arizona to Costa Mesa on January 24th and return to his home on January 25,

		2014. ENDORSEMENT: Application granted. SO ORDERED. (Signed by Judge P. Kevin Castel on 1/22/2014)(bw) (Entered: 01/22/2014)
03/18/2014	<u>26</u>	ENDORSED LETTER as to Michael Hogue addressed to Judge P. Kevin Castel from Lawrence F. Ruggiero dated 1/17/2014 re: Accordingly, Mr. Hogue requests permission to fly from his home in Tucson, Arizona to Seattle on March 26th and return to his home on March 29, 2014 in order to attend this interview at Amazon.ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge P. Kevin Castel on 3/18/2014)(jw) (Entered: 03/18/2014)
04/10/2014	<u>27</u>	ORDER as to (13-Cr-12-01) Michael Hogue. Mr. Hogue has entered a plea of guilty to two counts of a felony information charging him with the crimes of computer hacking and distribution of malware. His bail conditions contain a restriction on his use of computers for other than school use. He now awaits sentencing. The present bail modification application is to permit him to travel to an employment interview for a position as a software engineer. It is imprudent at this juncture to allow a person who has admitted to computer hacking and distribution of malware to travel to interview for a position as a software engineer without knowing quite a bit more, including whether he has disclosed to the prospective employer the nature of the crimes to which he has pled guilty and the possible sentence he faces. On multiple occasions, this Court has granted the defendant's applications to modify his bail conditions to permit him to travel for specific purposes. (Docket Nos. 19, 22, 24, 25 and 26.) Through the fault of no other person, the Court did not link the bail modification request with the precise nature of the crimes to which the defendant has entered a plea of guilty. The present application, dated April 10, 2014, is DENIED. SO ORDERED. (Signed by Judge P. Kevin Castel on 4/10/2014)(bw) (Entered: 04/10/2014)
05/19/2014	<u>28</u>	ENDORSED LETTER as to (13-Cr-12-01) Michael Hogue addressed to Judge P. Kevin Castel from AUSA James J. Pastore, Jr. dated May 16, 2014 re: The Government respectfully submits this letter to request that the January 9, 2013 guilty plea transcript in this matter be unsealed effective May 19, 2014 at 6:00 a.m. ENDORSEMENT: Application granted. SO ORDERED. (Signed by Judge P. Kevin Castel on 5/16/2014) [*** NOTE: Docketed on 5/20/2014 10:50 a.m. ***] (bw) (Entered: 05/20/2014)
05/19/2014	<u>29</u>	SEALED ORDER as to (13-Cr-12-01) Michael Hogue. Upon the application of the United States, by the United States Attorney for the Southern District of New York, Preet Bharara, through Assistant United States Attorney James J. Pastore, Jr.; It is found that, on or about January 9, 2013, the defendant pled guilty to Information 13 Cr. 12 (PKC) pursuant to a cooperation agreement with the Government. The transcript of those proceedings (the "Transcript") was placed under seal; It is further found that the United States Attorney's Office for the Southern District of New York has applied to have the Transcript unsealed effective May 19, 2014 at 6:00a.m. because, as of that time, the need for sealing will have expired; it is therefore ORDERED that the Transcript shall be unsealed as of May 19, 2014 at 6:00a.m. The Government's Application and this Order shall remain sealed until May 19, 2014 at 6:00 a.m. (Signed by Judge P. Kevin Castel on 5/16/2014) [*** NOTE: Docketed on 5/20/2014 10:55 a.m. ***] (bw) (Entered: 05/20/2014)
05/19/2014	<u>30</u>	TRANSCRIPT of Proceedings as to (13-Cr-12-01) Michael Hogue re: Plea held on January 9, 2013 1:13 p.m. before Judge P. Kevin Castel. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/12/2014. Redacted Transcript Deadline set for 6/23/2014. Release of Transcript Restriction set for 8/21/2014. [*** NOTE: This document was previously filed under seal on 2/25/2013 in Seal Envelope, Doc.#18. Unsealed by Order, Doc.#29, filed on 5/19/2014. ***] (bw) (Entered: 05/20/2014)
02/27/2015	<u>31</u>	Sentencing Letter by USA as to Michael Hogue addressed to Judge P. Kevin Castel from Sarah Lai dated February 27, 2015 re: scheduling sentencing proceeding. (Lai, Sarah) (Entered: 02/27/2015)
03/26/2015	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE Daniel Scott Noble appearing for USA. (Noble, Daniel) (Entered: 03/26/2015)
03/31/2015	<u>33</u>	MEMO ENDORSEMENT as to Michael Hogue on re: <u>31</u> Sentencing Letter by USA as to Michael Hogue addressed to Judge P. Kevin Castel from AUSA Sarah Lai dated February 27, 2015 re: scheduling sentencing proceeding. The Government respectfully submits this letter to request that the Court direct the United States Probation Office to prepare a Presentence Investigation Report in the above referenced matter. The Government further requests that a sentencing proceeding be scheduled for June 2015. ENDORSEMENT: Sentencing is scheduled for July 24, 2015 at 11:00 a.m

		SO ORDERED. (Signed by Judge P. Kevin Castel on 3/31/2015)(bw) (Entered: 03/31/2015)
01/29/2016		Payment of Special Assessment from Michael Hogue in the amount of \$200.00. Date Received: 1/29/2016. (cde) (Entered: 01/29/2016)
01/29/2016	<u>35</u>	CONSENT PRELIMINARY ORDER OF FORFEITURE as to Michael Hogue. IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Daniel S. Noble, of counsel, and the defendant, and his counsel, Lawrence Ruggiero, Esq., that as a result of the offenses charged in Count One and Two of the Information, to which the defendant pleaded guilty, a Money Judgment in the amount of \$40,000 shall be entered against the defendant. Pursuant to Rule 32.2(b) (4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture, this Order is final as to the defendant and shall be deemed part of the sentence of the defendant and shall be included in the judgment of conviction therewith. (Signed by Judge P. Kevin Castel on 1/29/2016)(jw) (Entered: 01/29/2016)
01/29/2016		Minute Entry for proceedings held before Judge P. Kevin Castel: Sentencing held on 1/29/2016 for Michael Hogue (1) Count 1,2. Defendant is present with his attorney Mr. Ruggiero. AUSA James Pastore, present. FBI Special Agent - Patrick Hoffman present. Defendant is sentenced 5 years of probation to include 500 hours of community service to be completed within 24 months, forfeiture in the amount of \$40,000, the fine is waived, and a special assessment of \$200. (jbo) (Entered: 01/29/2016)
01/29/2016	<u>36</u>	JUDGMENT In A Criminal Case. Date of Imposition of Judgment: 1/29/2016. Defendant Michael Hogue (1) pleaded guilty to Count(s) 1 and 2. PROBATION: 5 years of probation, including 500 hours of community service to be completed within 24 months. The above drug testing condition (see page 4 of Judgment) is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Special Conditions of Supervision (see page 5 of judgment). ASSESSMENT: \$200.00, due immediately. The defendant shall forfeit the defendant's interest in the following property to the United States: Forfeiture Order in the amount of \$40,000. (Signed by Judge P. Kevin Castel on 1/29/2016)(bw) (Entered: 02/01/2016)
01/29/2016		(Court only) ***Terminated defendant Michael Hogue. (bw) (Entered: 02/01/2016)
01/29/2016		(Court only) ***Case Terminated as to Michael Hogue. (bw) (Entered: 02/01/2016)
02/24/2016	<u>37</u>	SEALED DOCUMENT placed in vault. (mps) (Entered: 02/24/2016)
04/07/2016	<u>38</u>	PROBATION FORM 64202 PETITION as to Michael Hogue.. The Court Orders: Transfer of Jurisdiction to the District of Arizona APPROVED (Signed by Judge P. Kevin Castel on 4/6/2016)(jw) (Entered: 04/07/2016)
04/15/2016	<u>39</u>	Probation Jurisdiction Transferred Out to the U.S.D.C. - District of Arizona as to (13-Cr-12-01) Michael Hogue. [*** NOTE: This Prob 22 Form signed by Judge P. Kevin Castel on 4/6/2016. Received this document via E-mail from U.S. Probation Office/SDNY on 4/15/2016. ***] (bw) (Entered: 04/15/2016)
04/15/2016		TRANSFER OUT PROBATIONER DOCUMENTS SENT as to (13-Cr-12-01) Michael Hogue to the U.S.D.C. - District of Arizona (Tucson). Certified copy of the following documents were mailed: 1) Transfer of Jurisdiction Form [doc.#39], 2) Judgment [doc.#36], 3) Information, Waiver of Indictment [docs.#17, 16], 4) Docket Sheet; and letter of acknowledgment. Mailed via U.S. Postal Service, Certified Mail # 7002-2030-0002-7505-5660 on April 15, 2016. (bw) (Entered: 04/15/2016)